

ORIGINAL

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

1 JAN 24 2013
at 1 o'clock and 38 min. P.M.
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

| | | |
|--|---|--------------------------------|
| THE BANK OF NEW YORK MELLON F/K/A |) | |
| THE BANK OF NEW YORK, AS TRUSTEE |) | |
| FOR THE HOLDERS OF THE |) | Civil No: USDC 1200180-JMS-KSC |
| CERTIFICATES, FIRST HORIZON |) | |
| MORTGAGE PASS-THROUGH |) | |
| CERTIFICATES SERIES FHAMS 2005-FA11, |) | |
| BY FIRST HORIZON TENNESSEE BANK |) | |
| NATIONAL ASSOCIATION, MASTER |) | |
| SERVICER, IN ITS CAPACITY AS AGENT |) | APPLICATION FOR LEAVE |
| FOR THE TRUSTEE UNDER THE POOLING |) | TO FILE DOCUMENTS |
| AND SERVICING AGREEMENT, |) | AMMEND FILING FOR COUNTERCLAIM |
| |) | AND JOINDER OF PARTIES |
| Plaintiff, |) | |
| |) | |
| Vs. |) | |
| |) | |
| JAMES QUEE SUK CHONG; MARIA |) | |
| MAGDALINA AGOSTO; FIRST HORIZON |) | |
| HOME LOAN CORPORATION, a Kansas |) | |
| Corporation; JENNIFER MCTIGUE; GENTRY- |) | |
| WAIPIO COMMUNITY AREA |) | |
| ASSOCIATION; ASSOCIATION OF |) | |
| APARTMENT OWNERS OF RAINBOW |) | |
| SERIES-KUOLA PHASE III; JOHN and |) | |
| MARY DOES 1-20; DOE PARTNERSHIPS; |) | |
| DOE CORPORATIONS OR OTHER |) | |
| ENTITIES 1-20, |) | |
| Defendants |) | |

**APPLICATION FOR LEAVE TO FILE DOCUMENTS,
AMMEND RESPONSE TO INCLUDE JOINDER AND A CROSS COMPLAINT**

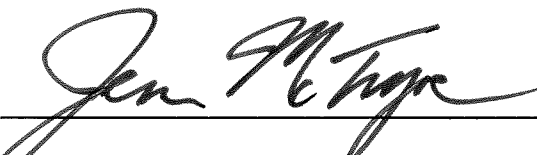
COMES NOW Defendant and Movant Jennifer McTigue, pursuant to Rules 15(a) and 19(a),
FRCiv.P., requests leave to file documents, and amend response to file Cross Complaint and

Joinder of additional parties.

1. Defendant in error Jennifer McTigue, in her original response moved this action from the state court to Federal District Court. The change of venue did not include a counter claim as Defendant in error Jennifer McTigue desired.
2. Defendant in error Jennifer McTigue was previously represented by attorney Damon Senaha. The attorney client relationship started breaking down immediately after its inception however the Defendant in error tried to maintain it because she had paid a large retainer and signed a contract. Despite Defendant in errors efforts to maintain the attorney client relationship it moved quickly to an irreconcilable stage and resulted in removal of attorney Damon Senaha from the case on December 27, 2012.
3. Equity, good conscience proper relief and justice deem it necessary to seek joinder in this action that has been brought against Defendant in error Jennifer McTigue. The 3rd party defendants shall be MR. MARK A. WOLTERS, recipient of the settlement I tendered, Chief Executive Officer of METLIFE BANK and John Does 1-5.
4. Defendant in error and 3rd party Plaintiff is making a formal Request for Production of original documents, both front and back, pursuant to FRE 901, 902, and 1001 through 1005, and will not accept any sham "AFFIDAVIT OF LOST NOTE" from any defendant.
5. Defendant in error and 3rd party Plaintiff is making a formal request for the following documents in order to show a full accounting relating to the instruments tendered and the alleged existing loan with regard to the property located at 94-1033 Oli Place C8, Waipahu, HI 96797; Statement 95 cash flow statement and FR 2046 balance sheet (OMB#'s 2046, 2049, 2099,(authority 12 USC 248, 347); 1099 OID Report; 424 (b)(5) prospectus, S-3 Registration Statement; and RC-S & RC-B schedules.
6. This Court should grant leave freely to amend and file a counterclaim and joinder for the furtherance of justice. Ark.Civ.Code (Crawford, 1934) sect 155) complaint. The adverse party has not been misled as they have already communicated with the proposed party of joinder. N.M.Stat.Ann. (Courtright, 1929) sections 105-601, 105-602. Granting this application for leave should not disadvantage the parties in any way.

Dated: 1/24/2013

Respectfully submitted,

By 
Jennifer McTigue, all rights reserved